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Attorneys for Plaintiff  
JOHN CAMPBELL

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOHN CAMPBELL,

Plaintiff,

v.

NATIONAL PASSENGER RAILROAD  
CORP., dba AMTRAK, et al,

Defendants.

NO. C 05-5434 MJJ (MEJ)

**PLAINTIFF'S SEPARATE STATEMENT  
OF ITEMS IN DISPUTE**

DATE: TBD  
TIME: 9:30 a.m.  
DEPT.: Courtroom 11, 19<sup>th</sup> Floor

HON. JUDGE MARTIN J. JENKINS

DISCOVERY CUT-OFF: March 23, 2007

TRIAL DATE: July 23, 2007

Pursuant to Local Rule 37-2, Plaintiff JOHN CAMPBELL submits the following Requests for Production of Documents and Interrogatories verbatim propounded to Defendant NATIONAL RAILROAD PASSENGER CORPORATION d.b.a. AMTRAK, and the responses received verbatim. The reason to compel disclosure of the requested documents and information is detailed in Plaintiff's Memorandum of Points and Authorities and the Declaration of Pamela Y. Price filed and served concurrently herewith.

**REQUEST NO. 3.**

All **DOCUMENTS** which **REFLECT, RELATE** or **REFER TO** complaints of race discrimination or racial harassment by African-American employee(s) within the last seven (7)

1 years in Defendant Amtrak's Oakland Yard, Sacramento Yard, and other Bay Area locations  
 2 where Mr. CAMPBELL was assigned.

3 **RESPONSE TO REQUEST NO. 3. (10/11/06)**

4 Defendant objects to this request on the basis it is vague, overbroad, ambiguous and  
 5 susceptible to a variety of interpretations. Defendant objects to this request as compound and  
 6 unduly burdensome. Defendant objects to this request as seeking information neither relevant to  
 7 the claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible  
 8 evidence. Defendant objects to this request to the extent it seeks information protected from  
 9 disclosure by either the attorney-client privilege or the attorney work product doctrine. No  
 10 privileged or protected information will be produced.

11 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 3. (1/18/07)**

12 Subject to and without waiving the foregoing specific objections and the GENERAL  
 13 OBJECTIONS stated hereinabove, (sic) all of which are incorporated by reference as though fully  
 14 set forth herein, Defendant Amtrak supplements its response, as follows:

15 Plaintiff has asked Defendant to supplement this response by identifying which documents  
 16 (by bates number) in Defendant's document production (received by Plaintiff on or about August  
 17 31, 2006) respond to this request. Defendant disagrees that such an itemization is required or  
 18 even necessary under Fed.R.Civ.Proc. 34(b) because all documents that were produced were  
 19 produced as they are kept in the usual course of business. Moreover, all the produced documents  
 20 are self-evident. Nevertheless, in the spirit of compromise, Defendant agrees to supplement its  
 21 response, subject to Defendant's right to further supplement this response and its production of  
 22 documents, as appropriate:

23 Responsive documents to this request include but are not limited to: D09912-10273.

24 **REQUEST NO. 4.**

25 All **DOCUMENTS** which **REFLECT, RELATE** or **REFER TO** Steve Shelton's employment  
 26 with Defendant AMTRAK, including but not limited to Shelton's personnel file or files; the  
 27 "folder," "jacket" or other container of each such file and any attachments thereto, any discipline  
 28 records, promotion applications to ANY and ALL positions held and all files maintained by

1 individual supervisors or others employed by Defendant AMTRAK.

2 **RESPONSE TO REQUEST NO. 4. (10/11/06)**

3 Defendant objects to this request on the basis it is vague, overbroad, ambiguous and  
 4 susceptible to a variety of interpretations. Defendant objects to this request as compound and  
 5 unduly burdensome. Defendant objects to this request as seeking information neither relevant to  
 6 the claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible  
 7 evidence. Defendant also objects to this request to the extent it seeks to obtain information or  
 8 materials protected from disclosure by the California Constitutional right of privacy and/or the  
 9 federally recognized right to privacy. See Board of Trustees of Leland Stanford Junior University  
 10 v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject to Constitutional right of  
 11 privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652, 657 (A party to an  
 12 action may assert the privacy rights of third parties such as its employees.); Tylo v. Superior Court  
 13 (1997) 55 Cal.App.4th 1379, 1387 (“[t]he party seeking the constitutionally protected information  
 14 has the burden of establishing that the information sought is directly relevant to the claims.”);  
 15 Johnson by Johnson v. Thompson (10<sup>th</sup> Cir. 1992) 971 F.2d 1487, 1497; Miller v. Federal Express  
 16 Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88 FRD 518, 524.

17 **REQUEST NO. 5.**

18 All **DOCUMENTS** which **REFLECT, RELATE** or **REFER TO** Ray Clark’s employment with  
 19 Defendant AMTRAK, including but not limited to Clark’s personnel file or files; the “folder,”  
 20 “jacket” or other container of each such file and any attachments thereto, any discipline records,  
 21 promotion applications to ANY and ALL positions held, and all files maintained by individual  
 22 supervisors or others employed by Defendant AMTRAK.

23 **RESPONSE TO REQUEST NO. 5. (10/11/06)**

24 Defendant objects to this request on the basis it is vague, overbroad, ambiguous and  
 25 susceptible to a variety of interpretations. Defendant objects to this request as compound and  
 26 unduly burdensome. Defendant objects to this request as seeking information neither relevant to  
 27 the claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible  
 28 evidence. Defendant also objects to this request to the extent it seeks to obtain information or

materials protected from disclosure by the California Constitutional right of privacy and/or the federally recognized right to privacy. See Board of Trustees of Leland Stanford Junior University v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject to Constitutional right of privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652, 657 (A party to an action may assert the privacy rights of third parties such as its employees.); Tylo v. Superior Court (1997) 55 Cal.App.4th 1379, 1387 (“[t]he party seeking the constitutionally protected information has the burden of establishing that the information sought is directly relevant to the claims.”); Johnson by Johnson v. Thompson (10<sup>th</sup> Cir. 1992) 971 F.2d 1487, 1497; Miller v. Federal Express Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88 FRD 518, 524.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 5. (1/18/07)**

Subject to and without waiving the foregoing specific objections and the GENERAL OBJECTIONS stated hereinabove, (sic) all of which are incorporated by reference as though fully set forth herein, Defendant Amtrak supplements its response, as follows:

Plaintiff has asked Defendant to supplement this response by identifying which documents (by bates number) in Defendant’s document production (received by Plaintiff on or about August 31, 2006) respond to this request. Defendant disagrees that such an itemization is required or even necessary under Fed.R.Civ.Proc. 34(b) because all documents that were produced were produced as they are kept in the usual course of business. Moreover, all the produced documents are self-evident. Nevertheless, in the spirit of compromise, Defendant agrees to supplement its response, subject to Defendant’s right to further supplement this response and its production of documents, as appropriate:

As stated in its original response, Defendant has not produced documents responsive to this request. However, Defendant has produced applications and related records that it received in response to the jobs/vacancies to which Plaintiff contends he applied. To the extent Ray Clark applied for any such position, his application and supporting documentation have been produced.

**REQUEST NO. 6.**

All **DOCUMENTS** which **REFLECT, RELATE** or **REFER TO** Mike Cecconi’s employment with Defendant AMTRAK, including but not limited to Cecconi’s personnel file or files; the

“folder,” “jacket” or other container of each such file and any attachments thereto, any discipline records, promotion applications to ANY and ALL positions held, and all files maintained by individual supervisors or others employed by Defendant AMTRAK.

**RESPONSE TO REQUEST NO. 6. (10/11/06)**

Defendant objects to this request on the basis it is vague, overbroad, ambiguous and susceptible to a variety of interpretations. Defendant objects to this request as compound and unduly burdensome. Defendant objects to this request as seeking information neither relevant to the claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible evidence. Defendant also objects to this request to the extent it seeks to obtain information or materials protected from disclosure by the California Constitutional right of privacy and/or the federally recognized right to privacy. See Board of Trustees of Leland Stanford Junior University v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject to Constitutional right of privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652, 657 (A party to an action may assert the privacy rights of third parties such as its employees.); Tylo v. Superior Court (1997) 55 Cal.App.4th 1379, 1387 (“[t]he party seeking the constitutionally protected information has the burden of establishing that the information sought is directly relevant to the claims.”); Johnson by Johnson v. Thompson (10<sup>th</sup> Cir. 1992) 971 F.2d 1487, 1497; Miller v. Federal Express Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88 FRD 518, 524.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 6. (1/18/07)**

Subject to and without waiving the foregoing specific objections and the GENERAL OBJECTIONS stated hereinabove, (sic) all of which are incorporated by reference as though fully set forth herein, Defendant Amtrak supplements its response, as follows:

Plaintiff has asked Defendant to supplement this response by identifying which documents (by bates number) in Defendant’s document production (received by Plaintiff on or about August 31, 2006) respond to this request. Defendant disagrees that such an itemization is required or even necessary under Fed.R.Civ.Proc. 34(b) because all documents that were produced were produced as they are kept in the usual course of business. Moreover, all the produced documents are self-evident. Nevertheless, in the spirit of compromise, Defendant agrees to supplement its

1 response, subject to Defendant's right to further supplement this response and its production of  
2 documents, as appropriate:

3 As stated in its original response, Defendant has not produced documents responsive to  
4 this request. However, Defendant has produced applications and related records that it received in  
5 response to the jobs/vacancies to which Plaintiff contends he applied. To the extent Mike  
6 Cecconi applied for any such position, his application and supporting documentation have been  
7 produced.

8 **REQUEST NO. 7.**

9 All **DOCUMENTS THAT REFLECT, REFER or RELATE TO** the employment of Mike  
10 Yacovetti, including but not limited to his personnel file or files, discipline records, promotion  
11 application and including but not limited to the "folder," "jacket" or other container of each such  
12 file and any attachments thereto and all files maintained by individual supervisors or others  
13 employed by Defendant AMTRAK.

14 **RESPONSE TO REQUEST NO. 7. (10/11/06)**

15 Defendant objects to this request on the basis it is vague, overbroad, ambiguous and  
16 susceptible to a variety of interpretations. Defendant objects to this request as compound and  
17 unduly burdensome. Defendant objects to this request as seeking information neither relevant to  
18 the claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible  
19 evidence. Defendant also objects to this request to the extent it seeks to obtain information or  
20 materials protected from disclosure by the California Constitutional right of privacy and/or the  
21 federally recognized right to privacy. See Board of Trustees of Leland Stanford Junior University  
22 v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject to Constitutional right of  
23 privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652, 657 (A party to an  
24 action may assert the privacy rights of third parties such as its employees.); Tylo v. Superior Court  
25 (1997) 55 Cal.App.4th 1379, 1387 ("[t]he party seeking the constitutionally protected information  
26 has the burden of establishing that the information sought is directly relevant to the claims.");  
27 Johnson by Johnson v. Thompson (10<sup>th</sup> Cir. 1992) 971 F.2d 1487, 1497; Miller v. Federal Express  
28 Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88 FRD 518, 524.

1 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 7. (1/18/07)**

2 Subject to and without waiving the foregoing specific objections and the GENERAL  
3 OBJECTIONS stated hereinabove, (sic) all of which are incorporated by reference as though fully  
4 set forth herein, Defendant Amtrak supplements its response, as follows:

5 Plaintiff has asked Defendant to supplement this response by identifying which documents  
6 (by bates number) in Defendant's document production (received by Plaintiff on or about August  
7 31, 2006) respond to this request. Defendant disagrees that such an itemization is required or  
8 even necessary under Fed.R.Civ.Proc. 34(b) because all documents that were produced were  
9 produced as they are kept in the usual course of business. Moreover, all the produced documents  
10 are self-evident. Nevertheless, in the spirit of compromise, Defendant agrees to supplement its  
11 response, subject to Defendant's right to further supplement this response and its production of  
12 documents, as appropriate:

13 As stated in its original response, Defendant has not produced documents responsive to  
14 this request. However, Defendant has produced applications and related records that it received in  
15 response to the jobs/vacancies to which Plaintiff contends he applied. To the extent Mike  
16 Yacovetti applied for any such position, his application and supporting documentation have been  
17 produced.

18 **REQUEST NO. 8.**

19 All **DOCUMENTS THAT REFLECT, REFER or RELATE TO** the employment of Patrick  
20 Duncan, including but not limited to his personnel file or files, discipline records, promotion  
21 application and including but not limited to the "folder," "jacket" or other container of each such  
22 file and any attachments thereto and all files maintained by individual supervisors or others  
23 employed by Defendant AMTRAK.

24 **RESPONSE TO REQUEST NO. 8. (10/11/06)**

25 Defendant objects to this request on the basis it is vague, overbroad, ambiguous and  
26 susceptible to a variety of interpretations. Defendant objects to this request as compound and  
27 unduly burdensome. Defendant objects to this request as seeking information neither relevant to  
28 the claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible

evidence. Defendant also objects to this request to the extent it seeks to obtain information or materials protected from disclosure by the California Constitutional right of privacy and/or the federally recognized right to privacy. See Board of Trustees of Leland Stanford Junior University v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject to Constitutional right of privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652, 657 (A party to an action may assert the privacy rights of third parties such as its employees.); Tylo v. Superior Court (1997) 55 Cal.App.4th 1379, 1387 (“[t]he party seeking the constitutionally protected information has the burden of establishing that the information sought is directly relevant to the claims.”); Johnson by Johnson v. Thompson (10<sup>th</sup> Cir. 1992) 971 F.2d 1487, 1497; Miller v. Federal Express Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88 FRD 518, 524.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 8. (1/18/07)**

Subject to and without waiving the foregoing specific objections and the GENERAL OBJECTIONS stated hereinabove, (sic) all of which are incorporated by reference as though fully set forth herein, Defendant Amtrak supplements its response, as follows:

Plaintiff has asked Defendant to supplement this response by identifying which documents (by bates number) in Defendant’s document production (received by Plaintiff on or about August 31, 2006) respond to this request. Defendant disagrees that such an itemization is required or even necessary under Fed.R.Civ.Proc. 34(b) because all documents that were produced were produced as they are kept in the usual course of business. Moreover, all the produced documents are self-evident. Nevertheless, in the spirit of compromise, Defendant agrees to supplement its response, subject to Defendant’s right to further supplement this response and its production of documents, as appropriate:

As stated in its original response, Defendant has not produced documents responsive to this request. However, Defendant has produced applications and related records that it received in response to the jobs/vacancies to which Plaintiff contends he applied. To the extent Patrick Duncan applied for any such position, his application and supporting documentation have been produced.

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1 **REQUEST NO. 9.**

2 All **DOCUMENTS THAT REFLECT, REFER or RELATE TO** the employment of  
 3 Than Ly, to including but not limited to his personnel file or files, discipline records, promotion  
 4 application and including but not limited to the “folder,” “jacket” or other container of each such  
 5 file and any attachments thereto and all files maintained by individual supervisors or others  
 6 employed by Defendant AMTRAK.

7 **RESPONSE TO REQUEST NO. 9. (10/11/06)**

8 Defendant objects to this request on the basis it is vague, overbroad, ambiguous and  
 9 susceptible to a variety of interpretations. Defendant objects to this request as compound and  
 10 unduly burdensome. Defendant objects to this request as seeking information neither relevant to  
 11 the claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible  
 12 evidence. Defendant also objects to this request to the extent it seeks to obtain information or  
 13 materials protected from disclosure by the California Constitutional right of privacy and/or the  
 14 federally recognized right to privacy. See Board of Trustees of Leland Stanford Junior University  
 15 v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject to Constitutional right of  
 16 privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652, 657 (A party to an  
 17 action may assert the privacy rights of third parties such as its employees.); Tylo v. Superior Court  
 18 (1997) 55 Cal.App.4th 1379, 1387 (“[t]he party seeking the constitutionally protected information  
 19 has the burden of establishing that the information sought is directly relevant to the claims.”);  
 20 Johnson by Johnson v. Thompson (10<sup>th</sup> Cir. 1992) 971 F.2d 1487, 1497; Miller v. Federal Express  
 21 Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88 FRD 518, 524.

22 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 7 (sic) (9). (1/18/07)**

23 Subject to and without waiving the foregoing specific objections and the GENERAL  
 24 OBJECTIONS stated hereinabove, (sic) all of which are incorporated by reference as though fully  
 25 set forth herein, Defendant Amtrak supplements its response, as follows:

26 Plaintiff has asked Defendant to supplement this response by identifying which documents  
 27 (by bates number) in Defendant’s document production (received by Plaintiff on or about August  
 28 31, 2006) respond to this request. Defendant disagrees that such an itemization is required or

1 even necessary under Fed.R.Civ.Proc. 34(b) because all documents that were produced were  
 2 produced as they are kept in the usual course of business. Moreover, all the produced documents  
 3 are self-evident. Nevertheless, in the spirit of compromise, Defendant agrees to supplement its  
 4 response, subject to Defendant's right to further supplement this response and its production of  
 5 documents, as appropriate:

6 As stated in its original response, Defendant has not produced documents responsive to  
 7 this request. However, Defendant has produced applications and related records that it received in  
 8 response to the jobs/vacancies to which Plaintiff contends he applied. To the extent Than Ly  
 9 applied for any such position, his application and supporting documentation have been produced.

10 **REQUEST NO. 10.**

11 All **DOCUMENTS THAT REFLECT, REFER or RELATE TO** the employment of John  
 12 Hanson, including but not limited to his personnel file or files, discipline records, promotion  
 13 application and including but not limited to the "folder," "jacket" or other container of each such  
 14 file and any attachments thereto and all files maintained by individual supervisors or others  
 15 employed by Defendant AMTRAK.

16 **RESPONSE TO REQUEST NO. 10. (10/11/06)**

17 Defendant objects to this request on the basis it is vague, overbroad, ambiguous and  
 18 susceptible to a variety of interpretations. Defendant objects to this request as compound and  
 19 unduly burdensome. Defendant objects to this request as seeking information neither relevant to  
 20 the claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible  
 21 evidence. Defendant also objects to this request to the extent it seeks to obtain information or  
 22 materials protected from disclosure by the California Constitutional right of privacy and/or the  
 23 federally recognized right to privacy. See Board of Trustees of Leland Stanford Junior University  
 24 v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject to Constitutional right of  
 25 privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652, 657 (A party to an  
 26 action may assert the privacy rights of third parties such as its employees.); Tylo v. Superior Court  
 27 (1997) 55 Cal.App.4th 1379, 1387 ("[t]he party seeking the constitutionally protected information  
 28 has the burden of establishing that the information sought is directly relevant to the claims.");

1 Johnson by Johnson v. Thompson (10<sup>th</sup> Cir. 1992) 971 F.2d 1487, 1497; Miller v. Federal Express  
 2 Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88 FRD 518, 524.

3 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 10. (1/18/07)**

4 Subject to and without waiving the foregoing specific objections and the GENERAL  
 5 OBJECTIONS stated hereinabove, (sic) all of which are incorporated by reference as though fully  
 6 set forth herein, Defendant Amtrak supplements its response, as follows:

7 Plaintiff has asked Defendant to supplement this response by identifying which documents  
 8 (by bates number) in Defendant's document production (received by Plaintiff on or about August  
 9 31, 2006) respond to this request. Defendant disagrees that such an itemization is required or  
 10 even necessary under Fed.R.Civ.Proc. 34(b) because all documents that were produced were  
 11 produced as they are kept in the usual course of business. Moreover, all the produced documents  
 12 are self-evident. Nevertheless, in the spirit of compromise, Defendant agrees to supplement its  
 13 response, subject to Defendant's right to further supplement this response and its production of  
 14 documents, as appropriate:

15 As stated in its original response, Defendant has not produced documents responsive to  
 16 this request. However, Defendant has produced applications and related records that it received in  
 17 response to the jobs/vacancies to which Plaintiff contends he applied. To the extent John Hanson  
 18 applied for any such position, his application and supporting documentation have been produced.

19 **REQUEST NO. 11.**

20 All **DOCUMENTS THAT REFLECT, REFER or RELATE TO** the employment of Wes  
 21 Duvall, including but not limited to his personnel file or files, discipline records, promotion  
 22 application and including but not limited to the "folder," "jacket" or other container of each such  
 23 file and any attachments thereto and all files maintained by individual supervisors or others  
 24 employed by Defendant AMTRAK.

25 **RESPONSE TO REQUEST NO. 11. (10/11/06)**

26 Defendant objects to this request on the basis it is vague, overbroad, ambiguous and  
 27 susceptible to a variety of interpretations. Defendant objects to this request as compound and  
 28 unduly burdensome. Defendant objects to this request as seeking information neither relevant to

the claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible evidence. Defendant also objects to this request to the extent it seeks to obtain information or materials protected from disclosure by the California Constitutional right of privacy and/or the federally recognized right to privacy. See Board of Trustees of Leland Stanford Junior University v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject to Constitutional right of privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652, 657 (A party to an action may assert the privacy rights of third parties such as its employees.); Tylo v. Superior Court (1997) 55 Cal.App.4th 1379, 1387 (“[t]he party seeking the constitutionally protected information has the burden of establishing that the information sought is directly relevant to the claims.”); Johnson by Johnson v. Thompson (10<sup>th</sup> Cir. 1992) 971 F.2d 1487, 1497; Miller v. Federal Express Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88 FRD 518, 524.

**SUPPLEMENTAL RESPONSE TO REQUEST NO. 11. (1/18/07)**

Subject to and without waiving the foregoing specific objections and the GENERAL OBJECTIONS stated hereinabove, (sic) all of which are incorporated by reference as though fully set forth herein, Defendant Amtrak supplements its response, as follows:

Plaintiff has asked Defendant to supplement this response by identifying which documents (by bates number) in Defendant’s document production (received by Plaintiff on or about August 31, 2006) respond to this request. Defendant disagrees that such an itemization is required or even necessary under Fed.R.Civ.Proc. 34(b) because all documents that were produced were produced as they are kept in the usual course of business. Moreover, all the produced documents are self-evident. Nevertheless, in the spirit of compromise, Defendant agrees to supplement its response, subject to Defendant’s right to further supplement this response and its production of documents, as appropriate:

As stated in its original response, Defendant has not produced documents responsive to this request. However, Defendant has produced applications and related records that it received in response to the jobs/vacancies to which Plaintiff contends he applied. To the extent Wes Duvall applied for any such position, his application and supporting documentation have been produced.

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1 **REQUEST NO. 12.**

2 All **DOCUMENTS THAT REFLECT, REFER or RELATE TO** the employment of Heidi  
 3 Snyder, including but not limited to her personnel file or files, discipline records, promotion  
 4 application and including but not limited to the “folder,” “jacket” or other container of each such  
 5 file and any attachments thereto and all files maintained by individual supervisors or others  
 6 employed by Defendant AMTRAK.

7 **RESPONSE TO REQUEST NO. 12. (10/11/06)**

8 Defendant objects to this request on the basis it is vague, overbroad, ambiguous and  
 9 susceptible to a variety of interpretations. Defendant objects to this request as compound and  
 10 unduly burdensome. Defendant objects to this request as seeking information neither relevant to  
 11 the claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible  
 12 evidence. Defendant also objects to this request to the extent it seeks to obtain information or  
 13 materials protected from disclosure by the California Constitutional right of privacy and/or the  
 14 federally recognized right to privacy. See Board of Trustees of Leland Stanford Junior University  
 15 v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject to Constitutional right of  
 16 privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652, 657 (A party to an  
 17 action may assert the privacy rights of third parties such as its employees.); Tylo v. Superior Court  
 18 (1997) 55 Cal.App.4th 1379, 1387 (“[t]he party seeking the constitutionally protected information  
 19 has the burden of establishing that the information sought is directly relevant to the claims.”);  
 20 Johnson by Johnson v. Thompson (10<sup>th</sup> Cir. 1992) 971 F.2d 1487, 1497; Miller v. Federal Express  
 21 Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88 FRD 518, 524.

22 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 12. (1/18/07)**

23 Subject to and without waiving the foregoing specific objections and the GENERAL  
 24 OBJECTIONS stated hereinabove, (sic) all of which are incorporated by reference as though fully  
 25 set forth herein, Defendant Amtrak supplements its response, as follows:

26 Plaintiff has asked Defendant to supplement this response by identifying which documents  
 27 (by bates number) in Defendant’s document production (received by Plaintiff on or about August  
 28 31, 2006) respond to this request. Defendant disagrees that such an itemization is required or

1 even necessary under Fed.R.Civ.Proc. 34(b) because all documents that were produced were  
 2 produced as they are kept in the usual course of business. Moreover, all the produced documents  
 3 are self-evident. Nevertheless, in the spirit of compromise, Defendant agrees to supplement its  
 4 response, subject to Defendant's right to further supplement this response and its production of  
 5 documents, as appropriate:

6 As stated in its original response, Defendant has not produced documents responsive to  
 7 this request. However, Defendant has produced applications and related records that it received in  
 8 response to the jobs/vacancies to which Plaintiff contends he applied. To the extent Heidi Snyder  
 9 applied for any such position, his application and supporting documentation have been produced.

10 **REQUEST NO. 13.**

11 **ALL DOCUMENTS THAT REFLECT, REFER or RELATE TO** the employment of Brice  
 12 Carroll, including but not limited to his personnel file or files, discipline records, promotion  
 13 application and including but not limited to the "folder," "jacket" or other container of each such  
 14 file and any attachments thereto and all files maintained by individual supervisors or others  
 15 employed by Defendant AMTRAK.

16 **RESPONSE TO REQUEST NO. 13. (10/11/06)**

17 Defendant objects to this request on the basis it is vague, overbroad, ambiguous and  
 18 susceptible to a variety of interpretations. Defendant objects to this request as compound and  
 19 unduly burdensome. Defendant objects to this request as seeking information neither relevant to  
 20 the claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible  
 21 evidence. Defendant also objects to this request to the extent it seeks to obtain information or  
 22 materials protected from disclosure by the California Constitutional right of privacy and/or the  
 23 federally recognized right to privacy. See Board of Trustees of Leland Stanford Junior University  
 24 v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject to Constitutional right of  
 25 privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652, 657 (A party to an  
 26 action may assert the privacy rights of third parties such as its employees.); Tylo v. Superior Court  
 27 (1997) 55 Cal.App.4th 1379, 1387 ("[t]he party seeking the constitutionally protected information  
 28 has the burden of establishing that the information sought is directly relevant to the claims.");

1 Johnson by Johnson v. Thompson (10<sup>th</sup> Cir. 1992) 971 F.2d 1487, 1497; Miller v. Federal Express  
 2 Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI 1980) 88 FRD 518, 524.

3 **SUPPLEMENTAL RESPONSE TO REQUEST NO. 13. (1/18/07)**

4 Subject to and without waiving the foregoing specific objections and the GENERAL  
 5 OBJECTIONS stated hereinabove, (sic) all of which are incorporated by reference as though fully  
 6 set forth herein, Defendant Amtrak supplements its response, as follows:

7 Plaintiff has asked Defendant to supplement this response by identifying which documents  
 8 (by bates number) in Defendant's document production (received by Plaintiff on or about August  
 9 31, 2006) respond to this request. Defendant disagrees that such an itemization is required or  
 10 even necessary under Fed.R.Civ.Proc. 34(b) because all documents that were produced were  
 11 produced as they are kept in the usual course of business. Moreover, all the produced documents  
 12 are self-evident. Nevertheless, in the spirit of compromise, Defendant agrees to supplement its  
 13 response, subject to Defendant's right to further supplement this response and its production of  
 14 documents, as appropriate:

15 As stated in its original response, Defendant has not produced documents responsive to  
 16 this request. However, Defendant has produced applications and related records that it received in  
 17 response to the jobs/vacancies to which Plaintiff contends he applied. To the extent Brice Carroll  
 18 applied for any such position, his application and supporting documentation have been produced.

19 **REQUEST NO. 15.**

20 **ALL DOCUMENTS** which **REFLECT, RELATE** or **REFER TO** the financial condition of  
 21 Defendant JOE DEELY, including but not limited to:

- 22 a. Any AND all financial statements prepared by OR for DEELY at any time  
 23 during the period from January 1, 2001 to the present, including but not  
 24 limited to any loan or credit applications;
- 25 b. All monthly statements reflecting DEELY's earnings, including but not  
 26 limited to wages, salary, investment income and interest at any time during  
 27 the period from January 1, 2001 to the present
- 28 c. All monthly statements reflecting the account number and balance of any

1                   **AND** all accounts held jointly or individually by DEELY, including  
2                   savings, checking, annuities, or mutual, stock or bond funds, at any time  
3                   during the period from January 1, 2001 to the present;

4                   d.     All monthly statements reflecting the account number and balance of any  
5                   loans or indebtedness owned jointly or individually by DEELY, including  
6                   but not limited to mortgages, car or boat loans, or tax liens, at any time  
7                   during the period from January 1, 2001 to the present;

8                   e.     Any and all **DOCUMENTS** which **REFLECT, REFER** or **RELATE TO**  
9                   any life insurance policy for DEELY, or if married, including any policies  
10                  owned jointly or individually by DEELY and/or spouse, or if in a domestic  
11                  partnership, then any policies owned jointly or individually by DEELY  
12                  and/or DEELY'S domestic partner;

13                  f.     Any and all **DOCUMENTS** which **REFLECT, REFER** or **RELATE TO**  
14                  DEELY'S monthly expenditures, including but not limited to, any  
15                  mortgage payments, insurance payments, child support, spousal support,  
16                  medical expenses, groceries, utilities, household expenses, and educational  
17                  loan payments at any time during the period from January 1, 2001 to the  
18                  present;

19                  g.     Any and all **DOCUMENTS** which **REFLECT, REFER** or **RELATE TO**  
20                  DEELY'S ownership of any vehicles, including but not limited to, title to  
21                  cars, trucks, motorcycles, other motorized vehicles, and/or mobile homes at  
22                  any time during the period from January 1, 2001 to the present;

23                  h.     Any and all **DOCUMENTS** which **REFLECT, REFER** or **RELATE TO**  
24                  DEELY'S ownership of any other vehicles, including but not limited to,  
25                  title to boats, yachts, jet skis, airplanes or jets at any time during the period  
26                  from January 1, 2001 to the present;

27                  i.     Any and all **DOCUMENTS** which **REFLECT, REFER** or **RELATE TO**  
28                  DEELY'S ownership of any stocks, bonds, mutual funds, hedge funds or

1 other investments at any time during the period from January 1, 2001 to the  
 2 present.

3 **RESPONSE TO REQUEST NO. 15. (10/11/06)**

4 Defendant objects to this request on the basis it is vague, overbroad, ambiguous and  
 5 susceptible to a variety of interpretations. Defendant objects to this request as compound and  
 6 unduly burdensome. Defendant objects to this request as seeking information neither relevant to  
 7 the claim or defense of any party, nor reasonably calculated to lead to the discovery of admissible  
 8 evidence. Defendant also objects to this request to the extent it seeks to obtain information or  
 9 materials protected from disclosure by the California Constitutional right of privacy and/or the  
 10 federally recognized right to privacy. See Board of Trustees of Leland Stanford Junior University  
 11 v. Superior Court (1981) 119 Cal.App.3d 516 (personnel records subject to Constitutional right of  
 12 privacy); Valley Bank of Nevada v. Superior Court (1975) 15 Cal.3d 652, 657 (A party to an  
 13 action may assert the privacy rights of third parties such as its employees.); Tylo v. Superior Court  
 14 (1997) 55 Cal.App.4th 1379, 1387 (“[t]he party seeking the constitutionally protected information  
 15 has the burden of establishing that the information sought is directly relevant to the claims.”);  
 16 Johnson by Johnson v. Thompson (10<sup>th</sup> Cir. 1992) 971 F.2d 1487, 1497;  
 17 Miller v. Federal Express Corp. (WD TN 1999) 186 FRD 376, 384; Matter of Hawaii Corp. (D HI  
 18 1980) 88 FRD 518, 524.

19 Dated: March 2, 2007

PRICE AND ASSOCIATES

21 /s/  
 22 PAMELA Y. PRICE, Attorneys for Plaintiff  
 23 JOHN CAMPBELL  
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